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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,272	02/03/2000	David W. LaFore	J99.10	7295

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,272

Applicant(s)

LAFORE ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 AND 13-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 15 is objected to because of the following informalities:

Applicant is advised to delete the period “ . ” which is found on line 4 after the word “trade”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalmus et al (US Patent No. 4,674,044).

As per claims 1, 28, 29 and 30, Kalmus et al disclose an automated securities trading system for managing broker transaction information in compliance with governmental regulation comprising:

Computer processor means for processing data, storage means for storing data on a storage medium, communication means for transmitting and receiving data in a secure environment to and from various remote locations;

First computer software means for creating trade data concerning particular trades to be executed and not being settled in the form of trade records and means for monitoring the modification of trade data in respective trade records which are created by said first computer

software means, said means for monitoring including an output audit report, second computer software means for reviewing said trade data from said first computer software means, and for approving/disapproving of the trade records to be executed and not being settled; and third computer software means for maintaining security measures for said data processing system to prevent unauthorized access and use of said trade data. Applicant is directed to column 3, line 55 to column 10, line 38 of Kalmus et al. Features of claims 2 and 9 are also taught by Kalmus et al on column 3, line 55 to column 10, line 38 of Kalmus et al.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 10, 13-27 and 31-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmus (US Patent No. 4,674,044) in view of Hawkins et al (6,029,146).

As per claims 4-8, 10, 31-37 and 42-48, the system of Kalmus et al is discussed above. Kalmus et al do not explicitly teach means for monitoring log-ins to the data processing system, means for monitoring the activity of a particular broker representative who enters trade data through the first computer software means or means for creating and outputting daily trade blotter information or checks/securities blotters, buy sell tickets and activity logs. Hawkins et al provide all these teachings in a trading security system. Applicant is directed to column 12, line

19 to column 16, line 35 of Hawkins et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Hawkins et al into Kalmus et al in order to monitor client activities and to prevent illegal or unauthorized access of the system.

As per claims 13, 38-40, Kalmus et al disclose a method for managing and processing system for managing broker transaction data. See the abstract. The system comprising inputting broker transaction data on a broker computer of a data processing system reflective of a trade of a security to be executed and not being settled, forwarding the broker transaction data to a main computer having a main database and recording the transaction data on the main database in the form of an original trade record to be executed and not being settled. Applicant is directed to column 3, line 55 to column 10, line 38 of Kalmus et al. Kalmus et al do not explicitly teach the forwarding and returning steps. However, Kalmus et al teach executives at a brokerage house may authorize a transaction. Applicant is directed to column 5, lines 47-59, column 6, lines 48-63 and column 4, line 61 to column 5, line 5 of Kalmus et al. Hawkins et al further disclose that an originating broker may enter, maintain and cancel orders (see column 12, lines 25-35). Hawkins et al also provide a check button for allowing the broker supervisor to authorize transmittal of orders and executions from the broker workstations. Other agents and subagents may modify, authorize, cancel or modify an order. See column 14, line 34 to column 15, line 13 of Hawkins et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hawkins et al in Kalmus et al in order to allow a supervisor to override a transaction or to bring a transaction into compliance with rules and regulations.

Claims 24 and 26 contain limitations recited in claim 13 and these limitations are rejected under a similar rationale. As per features relating to providing communications in the form of an Email message, the examiner asserts that transferring these information in the form of an Email message in the combination of Kalmus et al and Hawkins et al would have been obvious to one of ordinary skill in the art at the time the invention was made in order to provide recipients and/or entities with instant information regarding particular orders or transactions.

As per claims 15-23, applicant is directed to column 12, line 19 to column 16, line 35 of Hawkins et al.

As per claims 14, 25, 27 and 41, the combination of Kalmus et al and Hawkins et al does not explicitly teach the forwarding and returning steps are achieved by secure electronic transmission using encryption and decryption. Such would have been obvious to one of ordinary skill in the art in the combination of Kalmus et al and Hawkins et al in order to provide unauthorized modification of the transmitted data by hackers.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.


Art Unit: 3628

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

June 1, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628